

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

HARRY ARMSTRONG,

Plaintiff,

v.

CINCINNATI BELL TELEPHONE,

Defendant.

: Case No.: C-1-01-817

:

: Judge Spiegel

: Mag. Judge Sherman

:

: **AFFIDAVIT OF BRIAN KEATING**

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:

:

STATE OF OHIO )

) SS:


COUNTY OF HAMILTON )

I, Brian Keating, being duly sworn, hereby attest and swear as follows:

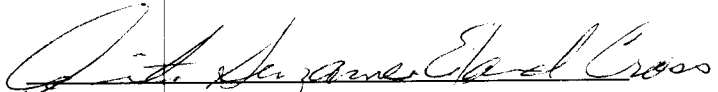
1. I am Vice President of Human Resources and Administration for Cincinnati Bell Incorporated. In November 2000, I was Vice President of Human Resources for Cincinnati Bell Telephone Company ("Cincinnati Bell"). I am responsible for oversight and management of all Human Resources functions, including, but not limited to, safety, staffing, administration of the collective bargaining agreement, and development, implementation and enforcement of work rules and policies.
2. Harry Armstrong ("Armstrong") worked as a repair splicer for Cincinnati Bell.
3. On November 8, 2000, John Walker ("Walker"), another Cincinnati Bell employee, reported that Armstrong threatened him during an incident that occurred that day in the workplace.
4. The Company conducted an investigation of the November 8, 2000 incident, which included obtaining statements from witnesses Ray Bauer, Lawrence Cotton, and John Walker. Attached as Exh. D to Cincinnati Bell's Memorandum in Support are true and accurate copies of the written statements that Mr. Bauer, Mr. Cotton and Mr. Walker provided to the Company.
5. Based on the Company's investigation, Steven Haaser, Director of Labor Relations, and I concluded that Armstrong had acted impermissibly and decided to terminate his employment. However, we allowed Armstrong to remain on paid leave for approximately two months in order for him to qualify for retirement benefits.

6. Armstrong was not replaced. Instead, his duties were redistributed among the remaining employees on his crew.
7. This affidavit is based on my own first-hand knowledge and is true and accurate to the best of my knowledge and belief. I have had adequate opportunity to review this affidavit and to make any changes or corrections I feel are appropriate.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Brian Keating

Sworn to and subscribed before me this 25<sup>th</sup> day of September 2003.

  
\_\_\_\_\_  
Notary Public

ANITA SUZANNE EILAND CROSS, Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03

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